

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART
Supervising Deputy Attorney General
4 State Bar No. 083047
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-256

12 **PHAEDRA WHITE, aka**
13 **PHAEDRA JANE DUNAWAY**
14 **PHAEDRA JANE CHURCHILL**
10820 S W 200th Drive, Apt. 203 S
Miami, Florida 33157

DEFAULT DECISION AND ORDER

15 Registered Nurse License No. RN 566941

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

18
19 1. On or about April 16, 2009, Complainant Ruth Ann Terry, M.P.H., R.N., in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs, filed Accusation No. 2009-256 against Phaedra White, aka Phaedra Jane
22 Dunaway, Phaedra Jane Churchill (Respondent) before the Board of Registered Nursing.

23 2. On or about May 19, 2000, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. RN 566941 to Respondent. The Registered Nurse License expired
25 on April 30, 2008, and has not been renewed.

26 3. On or about April 27, 2009, Praveen K. Singh, an employee of the Department of
27 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-256,
28

RECEIVED

1 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
2 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
3 was and is:

4 Phaedra White
5 a.k.a. Phaedra Jane Dunaway
6 a.k.a. Phaedra Jane Churchill
7 10820 S W 200th Drive, Apt. 203 S
8 Miami, FL 33157.

9 A copy of the Accusation is attached as **Exhibit A**, and is incorporated herein by reference.

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c).

12 On or about May 12, 2009, the aforementioned documents were returned by the U.S. Postal
13 Service marked "Forwarding Address Expired." Business and Professions Code section 118
14 states, in pertinent part:

15 (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
16 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
17 order of a court of law, or its surrender without the written consent of the board, shall not, during
18 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
19 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
20 provided by law or to enter an order suspending or revoking the license or otherwise taking
21 disciplinary action against the license on any such ground.

22 5. Government Code section 11506 states, in pertinent part:

23 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
24 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
25 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
26 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

27 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
28 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2009-
256.

6. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

7. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Accusation No. 2009-256 are true.

8. The total cost for investigation and enforcement in connection with the Accusation are \$241.50 as of June 2, 2009.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Phaedra White, aka Phaedra Jane Dunaway, Phaedra Jane Churchill has subjected her Registered Nurse License No. RN 566941 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:

- a. Business and Professions Code section 2761, subdivision (a)(4);
- b. Business and Professions Code section 2761, subdivision (f);
- c. Business and Professions Code section 2761 subdivision (a) and 2762, subdivision (c).

///

///

///

///

///

///

///

RECEIVED
JUL 2 2009
NURSING BOARD
CALIFORNIA

ORDER

IT IS SO ORDERED that Registered Nurse License No. RN 566941, heretofore issued to Respondent Phaedra White, aka Phaedra Jane Dunaway, Phaedra Jane Churchill, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 27, 2009.

It is so ORDERED October 27, 2009


FOR THE BOARD OF REGISTERED NURSING

DEPARTMENT OF CONSUMER AFFAIRS

30768042.DOC
DOJ docket number: SA2009308897

Attachment: Exhibit A: Accusation No. 2009-256

EXHIBIT A

Accusation No. 2009-256

EDMUND G. BROWN JR., Attorney General
of the State of California
ALFREDO TERRAZAS
Senior Assistant Attorney General
ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5339
Facsimile: (916) 327-8643

Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2009-256

PHAEDRA WHITE, aka
PHAEDRA JANE DUNAWAY
PHAEDRA JANE CHURCHILL
10820 S W 200th Drive, Apt. 203 S
Miami, Florida 33157

ACCUSATION

Registered Nurse License No. RN 566941

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

License History

2. On or about May 19, 2000, the Board issued Registered Nurse License Number RN 566941 ("license") to Phaedra White, also known as Phaedra Jane Dunaway and Phaedra Jane Churchill ("Respondent"). The license expired on April 30, 2008, and has not been renewed.

///

JURISDICTION

3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

1 (c) Be convicted of a criminal offense involving the
2 prescription, consumption, or self-administration of any of the substances
3 described in subdivisions (a) and (b) of this section, or the possession of,
4 or falsification of a record pertaining to, the substances described in
5 subdivision (a) of this section, in which event the record of the
6 conviction is conclusive evidence thereof.

7 COST RECOVERY

8 8. Code section 125.3 provides, in pertinent part, that the Board may request
9 the administrative law judge to direct a licentiate found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Out-of-State Discipline)

14 9. Respondent's license is subject to disciplinary action under Code section
15 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's
16 Registered Nursing License was disciplined by the New York State Education Department,
17 Division of Professional Licensing Services, Office of Professional Discipline, State Board for
18 Nursing ("New York Board"). In the case entitled, *In the Matter of the Disciplinary Proceeding*
19 *against Phaedra White*, License No. 459916, effective June 2, 2008, Respondent's Application
20 to Surrender License was granted by the New York Board. A copy of the Original Vote and
21 Order No. 23930 is attached as Exhibit A and incorporated herein.

22 The underlying circumstances of the surrender of her practical nurse license are
23 that in or about November 2006, while employed and on duty as a registered professional nurse
24 at Mercy Medical Center, Rockville Centre, New York, Respondent stole controlled substances
25 from the Medical Center's supply for her own personal use.

26 SECOND CAUSE FOR DISCIPLINE

27 (Criminal Conviction)

28 10. Respondent is subject to disciplinary action under Code section 2761,
subdivision (f), in that on or about September 28, 2007, in the County Court of the State of
New York, Nassau County, in the case entitled, *People of the State of New York v. Phaedra J.*

White (County Ct. Nassau County, 2007, Case No. SCI-02229N-2007), Respondent was convicted on her plea of guilty of violating Penal Law 175.10 (Falsifying Business Records in the First Degree), a class E felony. Such crime is substantially related to the functions, duties, and qualifications of a registered nurse.

The circumstances of the crime are that on or about October 9, 2006, while on duty at Mercy Medical Center in the State of New York, Respondent obtained, removed, and dispensed Morphine, a Schedule II controlled substance, and made a false entry into the medical records of a patient when there were no physician's orders for the administration or removal of the Morphine for the patient.

SECOND CAUSE FOR DISCIPLINE

(Conviction Involving Drugs)

11. Respondent has subjected her license to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that Respondent was convicted of a crime involving the falsification of a record pertaining to controlled substances, as set forth in paragraph 10, above.

///

///

///

///

///

///

///

///

///

///

///

///

///

2 NOV 1964
RECEIVED
U.S. AIR FORCE
OFFICE
OF THE
SECRETARY

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Revoking or suspending Registered Nurse License Number RN 566941
5 issued to Phaedra White, also known as Phaedra Jane Dunaway and Phaedra Jane Churchill;
6 2. Ordering Phaedra White, also known as Phaedra Jane Dunaway and
7 Phaedra Jane Churchill to pay the Board the reasonable costs of the investigation and
8 enforcement of this case, pursuant to Code section 125.3; and,
9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 4/16/09

12
13 Ruth Ann Terry
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant
20
21
22
23
24
25
26

EXHIBIT A



The University of the State of New York

IN THE MATTER
OF

PHAEDRA WHITE
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 23930

Upon the application of PHAEDRA WHITE, under Calendar No. 23930, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (May 20, 2008): That the application of PHAEDRA WHITE, respondent, for permission to surrender respondent's license to practice as a registered professional nurse in the State of New York be granted; and that the Associate Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and SO ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

RECEIVED
JUN 10 2008
12:03 PM
SECRETARY

HAEDRA WHITE (23930)

IN WITNESS WHEREOF, I, [REDACTED]
Associate Commissioner for the
Professions, for and on behalf of the
State Education Department and the
Board of Regents, do hereunto set my
hand, at the City of Albany, this
20th day of May, 2008.

[REDACTED]
ASSOCIATE COMMISSIONER
FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

IN THE MATTER

of the

Disciplinary Proceeding

against

PHAEDRA WHITE

APPLICATION
TO SURRENDER
LICENSE

CAL. NO. 23930

who is currently licensed to practice as
a(n) registered professional nurse
in the State of New York.

PHAEDRA WHITE states:

That on or about April 20, 1994 I was licensed to practice as
a registered professional nurse in the State of New York, having
been issued license No. 459916 by the New York State Education
Department.

I am currently registered with the New York State Education
Department to practice as a registered professional nurse in the
State of New York from an address at: [REDACTED]
Drive, Miami, Florida [REDACTED]

That I am currently under investigation for allegations of
committing unprofessional conduct, to wit: conduct in the practice
of the profession which evidences moral unfitness to practice, in
violation of Section 6509(9) of the Education Law of the State of
New York, in specific violation of Section 29.1(b)(5) of the Rules
of the Board of Regents (8 NYCRR), in that in or about November,
2006 while employed and on duty as a registered professional nurse

PHAEDRA WHITE

at Mercy Medical Center, Rockville Centre, New York, I stole controlled substances from the Medical Center's supply for my own use.

I am applying to the Board of Regents for permission to surrender my license to practice as a registered professional nurse in the State of New York on the grounds that I hereby admit guilt to the aforesaid allegations of professional misconduct.

I hereby make this application to the Board of Regents and request that it be granted.

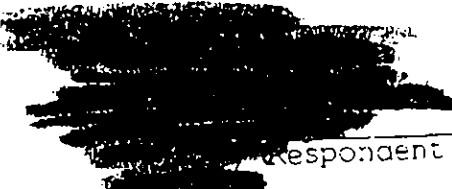
I understand that in the event the application is denied by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, an Order may be issued striking my name from the roster of registered professional nurses in the State of New York without further notice to me. I understand that if and when the

PHAEDRA WHITE

Board of Regents grants this application, the entire application
shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



Respondent

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

IN THE MATTER

of the

Disciplinary Proceeding

against

PHAEDRA WILLE

APPLICATION
TO SURRENDER
LICENSE

CAL. NO. 23932

Who is currently licensed to practice as
a(n) registered professional nurse
in the State of New York

The undersigned agree to the Application to Surrender

Dated: 2/15/08

2008

Respondent

Dated: 2/15/08

2008

Attorney for Respondent

Dated: 3/13

2008

Director

Office of Professional Discipline



The University of the State of New York

IN THE MATTER

OF

PHAEDRA WHITE

(REGISTERED PROFESSIONAL NURSE)

STATE OF NEW YORK

SS.: .

COUNTY OF ALBANY

Michael A. Kinley being duly sworn, deposes and says:
I am over the age of twenty-one years and am an employee of the New York State Education Department, Office of Professional Discipline, 80 Wolf Road, Suite 204, Albany, New York 12205-2643.

On the 20th day of MAY, 2008, I personally delivered to the Stuyvesant Plaza Post Office the Duplicate Original Vote of the Board of Regents and Order under Calendar No. 23930, and the Report of the Regents Review Committee or Application for Consent or Surrender, or Report of the designated Regent in a summary suspension proceeding as applicable, by Certified Mail - Return Receipt Requested to the respondent herein named at 10820 S.W. 200th Drive, Apt. 203S, Miami, Florida 33157 & Gregory Flynn, Esq., 351 South Warren Street, Syracuse, New York 13202.

Certified Mail Receipt No. 700208600006465744717456

The effective date of the Order being the 21st day of June, 2008.

Sworn to before me this

25th day of June, 2008

NOTARY PUBLIC, STATE OF NEW YORK
REG. NO. 01BL6037347
QUALIFIED IN ALBANY COUNTY
COMMISSION EXPIRES FEB 14, 2016